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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,331	07/30/2001	Antonio Canete Martinez	027559-046	4460

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EXAMINER

NG, CHRISTINE Y

ART UNIT PAPER NUMBER

2663

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,331

Applicant(s)

MARTINEZ ET AL.

Examiner

Christine Ng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-29 is/are allowed.
- 6) ☒ Claim(s) 30, 32 and 45 is/are rejected.
- 7) ☒ Claim(s) 31, 33-44 and 46-57 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 30, 32 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,496,694 to Menon et al in view of U.S. Patent No. 6,260,186 to James.

Referring to claims 30 and 45, Menon et al discloses in Figure 3 a signaling point (intelligent base station IBS 351) having means for applying network management procedures in a network signaling system that comprises a plurality (Figure 8A) of interconnected signaling points (intelligent base station IBS 351), the signaling point comprising a protocol layer (SCCP 327) that operates in accordance with a Signaling Connection Control Part (SCCP) to simultaneously offer connectionless (Column 14, lines 42-50) and connection-oriented (Column 11, lines 58-67) protocol services and to handle network management procedures (Column 11, lines 58-67 and Column 14, lines 42-50), wherein the protocol layer includes means to distinguish the network management procedures on a per connectionless and per connection-oriented bases.

The connectionless services (receiving paging messages from MSC 415) are processed by the BSSMAP entity 325. The connection-oriented services (resource assignment, resource release, initial user station message, blocking/unblocking, global

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reset, paging, reset circuit and handover) are processed by the BSSMAP entity 325, DTAP-MM entity 324 and DTAP-CM entity 323. Refer to Column 11, lines 40-67 and Column 14, lines 42-50. In addition, the SCCP protocol layer 327 "provides both connection-oriented and connectionless services" (Column 11, lines 32-33).

Menon et al do not disclose that the distinction is performed by setting a protocol service identifier in connection with an availability status.

James discloses a Universal Data Structure (UDS) that is used in a telephone system to represent telephony events. The UDS contains four fields including the event field, component type field, data field and enumeration field. The enumeration field includes enumerated type definitions for a call data type, one of which is a "SCCP method indicator". The SCCP method indicator specifies: 1) connectionless method available; 2) connection oriented method available; and 3) both methods available. Refer to Column 5, lines 13-21; Column 6, lines 46-62; Column 11, line 53 to Column 12, line 2; Column 12, lines 25-29; and Column 15, lines 15-41. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include that the distinction is performed by setting a protocol service identifier in connection with an availability status; the motivation being so that the transmitting and receiving systems know which method (connectionless or connection-oriented) are available for use, thereby facilitating communication setup and data transmission.

Referring to claim 32, Menon et al do not disclose that the availability status comprises at least one of an "Allowed" or available state, a "Prohibited" or unavailable

state, and a "Congested" state with a given congestion level, for at least one of the connectionless and connection-oriented protocol services.

James discloses a SCCP method indicator that represents whether the connectionless method, the connection-oriented method, or both methods are available. Refer to the rejection of claims 30 and 45.

Allowable Subject Matter

3. Claims 3-29 are allowed.
4. Claims 31, 33-44 and 46-57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine Ng whose telephone number is (571) 272-3124. The examiner can normally be reached on M-F; 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. Ng (W)
July 19, 2005


RICKY NGO
PRIMARY EXAMINER

7/22/05